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July 18, 2006 70008.00002

VIA ELECTRONIC FILING AND UPS

Hon. Joseph F. Bianco
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: FragranceNet.com, Inc. v. FragranceX.com, Inc., CV-06-2225

Dear Judge Bianco:

We represent FragranceNet.com, Inc. ("FragranceNet"), plaintiff in the referenced action.

At the request of defendant FragranceX.com, Inc. ("FragranceX"), the Court has scheduled a pre-motion conference in this action on July 20, 2006 at 11:00 a.m. With the consent of David Rabinowitz, counsel for defendant FragranceX, we respectfully request that Your Honor cancel that conference.

The pre-motion conference was scheduled pursuant to defendant's request for leave to move to dismiss the Amended Complaint on the basis that it does not (a) individually list or depict each of the more than eight hundred (800) photographs that defendants have infringed; or (b) identify the specific time during which defendants infringed FragranceNet's copyrights in those works. For the reasons set forth in our letter to his Honor of June 30, 2006, FragranceNet respectfully submits that the Amended Complaint meets the pleading requirements of Fed. R. Civ. P. 8. Nevertheless, in the interest of conserving the resources of this Court and the parties, FragranceNet is willing to amend its complaint to identify by product name each of the more than eight hundred (800) photographs that defendants have infringed. Pursuant to Fed. R. Civ. P. 15(a), defendant FragranceX has stipulated that FragranceNet may amend its complaint as described. A copy of the stipulation, which has been executed by both parties, is attached.

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We appreciate very much his Honor's consideration of this matter.

Respectfully submitted,

Catherine M. Clayton
for PAUL, HASTINGS, JANOFSKY & WALKER LLP

CMC:bf

Enclosure

cc: David Rabinowitz, Esq. (via facsimile - 212.554.7700)
Robert L. Sherman, Esq.